

DEPARTMENT OF SOCIAL SERVICES



June 18, 1985

ALL-COUNTY LETTER NO. 85-66

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FULL-TIME COLLEGE ATTENDANCE REGULATIONS

REFERENCE: ACL 85-61, ACL 83-87, ACL 83-21

This letter is to provide the County Welfare Departments (CWDs) with instructions relevant to the Full-Time College Attendance Regulations.

Currently, the eligibility requirements for Refugee Cash Assistance/Entrants Cash Assistance (RCA/ECA) or the Refugee Demonstration Project (RDP) includes a test for student status. This requirement is contained in ACL 83-87. Effective July 1, 1985, the attached regulations will formalize the requirement that CWDs in the course of determining eligibility for RCA/ECA or RDP must check whether the applicant is a full-time student or not. As provided in ACL 83-87 and in the enclosed regulations package any member of the RCA/ECA or RDP cash assistance unit who is a full-time student in an institution of higher education shall be ineligible to receive an RCA/ECA or RDP grant. (MPP Section 69-206.5 and 69-213.7).

Student status must be documented in the case file. Attached is a suggested sample of a form that may be used to collect data regarding full-time student attendance status. You may wish to devise your own form for collecting this data; however, you must submit your suggested language to the Office of Refugee Services for approval.

If you have any questions, please call Ms. Laura Williams of my staff at (916) 322-3141.

RE Baiz

for RICHARD C. BAIZ, Deputy Director
Government and Community Relations

Attachments

cc: CWDA

GEN 654 (9/79)

24

NAME _____

Street	City	State	Zip Code
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CASE NUMBER _____ ALIEN NUMBER _____

I AUTHORIZE RELEASE OF SCHOOL RECORDS FOR _____ (STUDENT)

(BIRTHDATE) _____ TO THE SOCIAL SERVICES AGENCY:

ADDRESS _____

AUTHORIZING SIGNATURE _____ DATE _____

IS THE ABOVE NAMED PERSON ATTENDING SCHOOL? YES NO

STUDENT'S ADDRESS _____

- ☐ 12 semester hours or 12 quarter hours per academic term in those institutions using standard semester, trimester or quarter hour systems
- ☐ 24 semester hours or 36 quarter hours per academic year for institutions using credit hours to measure progress but not using semester, trimester or quarter systems, or the prorated equivalent for programs of less than one academic year
- ☐ 24 clock hours per week for institutions using clock hours
- ☐ The following formula is for those institutions using both credit and clock hours: If the sum of the following fractions is equal to or greater than one - the number of credit hours per term divided by 12 plus the number of clock hours per week divided by 24.
- ☐ A series of courses or seminars which equal 12 semester hours or 12 quarter hours in a maximum of 18 weeks
- ☐ The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student

STUDENT IS ENROLLED FULL-TIME? YES NO

SIGNATURE OF SCHOOL OFFICIAL TITLE

SCHOOL NAME _____ PHONE _____ DATE _____

State of California

Health and Welfare Agency

MEMORANDUM

To: Office of Administrative Law
1414 K Street, Suite 600
Sacramento, CA 95814

Date: May 30, 1985

Subject: Request for an
Early Effective Date

From: Department of Social Services, Sacramento, CA 95814

The Department of Social Services hereby requests an effective date of July 1, 1985 for the attached Refugee Student Revisions, ORD 0984-41. This request is made in order for the regulations to take effect in conjunction with the implementation of the new federally approved state plan.



Rosalie Clark, Chief
Office of Regulations Development

Attachment

UPDATED INFORMATIVE DIGEST

Currently the eligibility requirements for refugee cash assistance (RCA) do not include a test for student status. These proposed regulations will require CWDs in the course of determining eligibility for RCA, to check whether the applicant is a full-time student or not. If the applicant is a full-time student, then aid is to be denied. The regulations will also terminate an RCA recipient who becomes a full-time student.

Current Section 69-206.1 identifies Refugee Cash Assistance (RCA) eligibility requirements. Educational attendance is being added to the list of factors that must be considered in determining RCA eligibility.

Section 69-206.5 is being added to define educational attendance and prohibit students from receiving RCA but exempts refugees in full-time SOSS approved training programs.

Section 69-213 requires the termination of aid for those refugees who become full-time students.

FINAL STATEMENT OF REASONS

- a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

These proposed regulations are intended to disqualify refugees who are full-time students from receiving Refugee Cash Assistances (RCA). This requirement is derived from a federal action transmittal which the Department as part of the state plan agreement is obligated to follow.

- b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 69-206.1

Specific Purpose:

Currently this section identifies eligibility requirements for aid determination of Refugee Cash Assistance (RCA). Proposed regulations will add the condition of higher education attendance to the list of factors that must be taken into consideration when a determination of RCA is made.

Factual Basis:

The Refugee Assistance Amendments of 1982, Section 6(b)(4), has made refugees who are full-time students ineligible for RCA. It therefore follows that in order to be consistent with this requirement, the Department's regulations have to be amended.

Section 69-206.5

Specific Purpose:

Proposed regulations will adopt new language to prohibit full-time students from receiving RCA. They also define the term "full-time" and an "institution of higher education." Refugees who by their DSS funded training programs or employability plans are enrolled at an institution of higher education on a full or part-time basis will not be denied RCA.

Factual Basis:

The Refugee Assistance Amendments of 1982 prohibits the expenditure of RCA for full-time students. Federal action transmittal 83-4 clarifies the intent of Public Law 97-363 as it applies to refugees involved in approved training provided at a college or university.

Section 69-213.7

Specific Purpose:

This section is being adopted to require the termination of aid should a refugee who is currently participating in the RCA program become a full-time student.

Factual Basis:

The Refugee Assistance Amendments of 1982 and federal action transmittal 83-4 clearly eliminate refugees from receiving RCA if they hold full-time student status.

c) Identification of Documents Upon Which Department Is Relying

1. Welfare and Institutions Codes 10553 and 10554.
2. Refugee Assistance Amendments of 1982. (8 USC 1522(e)(2)(B)).
3. Office of Refugee Resettlement, (ORR) Action Transmittal 83-4.
4. Correspondence between SDSS and ORR, dated; January 3, 1985, November 26, 1984, June 30, 1983 and June 13, 1983.

d) Testimony Summary and Response

These regulations were presented for public comment and review on April 17, 1985. At that time no oral testimony was received, but the county of Santa Clara did provide written comments. The following is the Departments' response.

Section 69-206.511 a-f

Comment:

- 1) Currently full-time student status is defined by the institution (this procedure currently operates in the AFDC Program). The proposed definitions are complex and difficult to interpret. The county listed areas where

further clarification would be needed in order to implement the regulations.

- 2) Proposed definitions are in the Federal Department of Education regulations. These regulations are not available to county staff.
- 3) Regarding the proposed use of a State form to obtain verification from the school/institution, the county anticipated problems if the school refused to complete the form or returned incomplete forms, or charged the student/county for completion of the form. This could cause delays in the refugee's receipt of aid.
- 4) Santa Clara recommended that the definition of full-time student remain "as defined by the institution."

Responses:

- 1) The Federal Refugee Assistance Amendments of 1982 (Public Law 97-363) specify that full-time students in institutions of higher education shall be "as defined by the Director (of ORR) after consultation with the Secretary of Education." Federal Action Transmittal (AT) 83-4 provided the States with these definitions. The proposed regulations were taken verbatim from this action transmittal. The State Office of Refugee Services requested the Federal Office of Refugee Resettlement to allow the current definition to remain; approval of the request was denied.
- 2) Definitions contained in Sections 69-206.51, .511, and .512 are taken verbatim from Federal Department of Education regulations; therefore, there is no need to make copies available to county staff.
- 3) We share the County's concern that schools cooperate in the eligibility verification process. To that effect, the Department plans to work with the State Department of Education to ensure the maximum cooperation possible in order to prevent delays in the refugee's receipt of aid. Further, it is not our intent to mandate a State form for collection of this information; this form will be for voluntary use only. If the institution charges for completion of the form, the county shall be reimbursed from its administrative costs allocation for refugee services.
- 4) In the final analysis, the Department is unable to accept the county's recommendation to keep the current

definition, as Federal law and directives specify that the language provided must be used when determining the status of a student in an institution of higher education. The Department however is ready to assist the county in determining eligibility in any situation where an interpretation of the regulations is necessary.

e) Local Mandate Statement

These regulations do constitute a mandate to local agencies but not to any school district.

There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no costs within the meaning of Section 2231 of the Revenue and Taxation. Any other costs associated with the implementation of these provisions are mandated by and funded by the Federal Government.

f) Statement of Potential Cost Impact on Public Agencies, Private Persons, or Entities Directly Affected

The Department of Social Services finds that the adoption of these regulations will result in no cost impact on private persons or businesses directly affected.

g) Small Business Impact Statement

The Department of Social Services finds that the adoption of these regulations will not have a significant adverse economic impact on small businesses.

Amend Section 69-206.1 and adopt new Section 69-206.5 to read:

69-206 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE

69-206

.1 Eligibility Factors

Requirements of categorical relatedness applicable to the AFDC Program are waived for aid payments assistance under RCA (see Section 69-203.4) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.21); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4) attendance in an institution of higher education (69-205); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.2 (Continued)

.3 (Continued)

.4 (Continued)

.5 Full-time Student in an Institution of Higher Education

.51 Full-time students in a college program in an institution of higher education are not eligible for RCA.

.511 A full-time student is a student attending an institution of higher education at least:

- a. 12 semester hours or 12 quarter hours per academic term in those institutions using standard semester, trimester or quarter hour systems;
- b. 24 semester hours or 36 quarter hours per academic year for institutions using credit hours to measure progress but not using semester, trimester or quarter systems, or the prorated equivalent for programs of less than one academic year;
- c. 24 clock hours per week for institutions using clock hours;

- d. The following formula for those institutions using both credit and clock hours: If the sum of the following fractions is equal to or greater than one - the number of credit hours per term divided by 12 plus the number of clock hours per week divided by 24;
- e. A series of courses or seminars which equal 12 semester hours or 12 quarter hours in a maximum of 18 weeks; or
- f. The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

.512 An "institution of higher education" is a:

- a. Public or private nonprofit educational institution which provides:
 - 1. An educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or
 - 2. At least a two-year program which is acceptable for full credit toward a baccalaureate degree; or
 - 3. At least a one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or
- b. Proprietary Institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or
- c. Post secondary vocational institution which is a public or private nonprofit educational institution and provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

.52 Refugees who are enrolled and participating in DSS-funded training programs offered at an institution of higher education on a full-time basis as part of an

employability plan developed by the CWD or its designee,
when such training is less than one year, shall not be
denied or discontinued from RCA.

- .53 Refugees who are enrolled and participating in
DSS-funded training programs offered at an institution
of higher education on less than a full-time basis as
part of an employability plan developed by the CWD or
its designee, when such training is less than one year
in duration, shall not be denied or discontinued from
RCA when attendance in classes in a college program
offered at the institution results in full-time status.

Authority: Welfare and Institutions Code Section 10553 and
10554.

Reference: Welfare and Institutions Code Section 10553 and
19554.

Adopt new Section 69-213.7 to read:

69-213 TERMINATION OF AID (Continued)

67-213

.7 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-206.52 and .53.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.